

PTO/SB/24 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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EXPRESS ABANDONMENT UNDER 37 CFR 1.138		Docket Number (Optional) 50957-018	
<p>To: Assistant Commissioner for Patents Washington, DC 20231</p>	In re Application of Clouatre, et al.		
	Application Number 10/666,667	Filed September 20, 2003	
	For (-)-Hydroxycitric Acid for Delaying Gastric Emptying		
	Group Art Unit 1614	Examiner Not Assigned	

Please check only one of boxes 1-3 below:

(If no box is checked, this paper will be treated as a request for express abandonment as of the filing date of this paper.)

1. **Express Abandonment**
I request that the above-identified application be expressly abandoned as of the filing date of this paper.
2. **Express Abandonment in Favor of a Continuing Application**
I request that the above -identified application be expressly abandoned as of the filing date accorded the continuing application filed herewith.
3. **Petition for Express Abandonment to Avoid Publication under 37 CFR 1.138(c)**
I hereby petition to expressly abandon the above-identified application to avoid publication.

NOTE: The application will be published in regular course unless the petition is recognized by the Pre-Grant Publication Division in sufficient time to avoid publication (e.g., more than four (4) weeks prior to the projected publication date).

Petition Fee – must be filed with petition to avoid delays in recognizing the petition.

- a. The Commissioner is hereby authorized to charge the petition fee under 37 CFR 1.17(h) to Deposit Account No. 50-3301.
- b. Check in the amount of \$ _____ is enclosed. (Form PTO/SB/96).
- c. Payment by credit card (Form PTO-2038 is enclosed).

Fax the petition directly to the Pre-Grant Publication Division at (703) 305-8568 or Mail the petition to the above address directed to Box PGPub-ABD.

NOTE: A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes the paper. See MPEP 711.01. In addition, the paper will not stop publication of the application unless a petition under 37 CFR 1.138(c) is recognized by the Pre-Grant Publication Division in sufficient time to avoid publication.

OK FOR ABANDONMENT

I am the

applicant.

assignee of record of the entire interest. See 37 CFR 3.71
Statement under 37CFR 3.73(b) is enclosed.

attorney or agent of record.

attorney or agent acting under 37 CFR 1.34(a) (may act only if box 2 above, stating that the application is expressly abandoned in favor of a continuing application, is checked). Attorney or agent registration number if acting under 37 CFR 1.34(a). 52,875
(Attorney or agent registration number)

PG PUB DIVISION

INITIALS _____

RECEIVED

USPTO-PG PUBS

NOV 11 2004

Signature

James F. Ewing, Reg. No. 52,875

Typed or printed name

November 11, 2004

Date

Note: Signatures of all the inventors or assignees of record of the entire interest or their representatives(s) are required. Submit multiple forms if more than one signature is required. See below.

11/15/2004 KTING1 00000002 503301 10666667

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01 FC:1460

EPSTEIN BECKER & GREEN, P.C.



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FACSIMILE COVER SHEET

DIRECT: 617.342-4088

PRIVILEGED AND CONFIDENTIAL

To: Pre-Grant Publication Division Fax Number: 703-305-8568 Telephone Number:
 U.S.P.T.O.

From: James F. Ewing Atty. No. 50865 Pages (including cover):
 Date: November 11, 2004 Client No.: 50957-018

Comments:

Attached is a Request for Express Abandonment and accompanying documents for USSN 10/666,667.

NOTICE OF PRIVILEGE AND CONFIDENTIALITY

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 Epstein Becker Green Wickliff & Hall, P.C. in Texas only.

PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box →

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

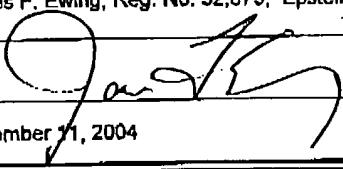
TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/666,667
		Filing Date	September 20, 2003
		First Named Inventor	Clouatre, et al.
		Group Art Unit	1614
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	Attorney Docket Number	50957-018 (RHI-013 US)	

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input checked="" type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Substitute Drawing (Figure 1) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Combined Declaration and New Power of Attorney (9 pages) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> Diskette; Number of diskettes:	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>	
			<input type="checkbox"/> Assignment Papers <i>(for an Application)</i>
			<input type="checkbox"/> Substitute Drawing (Figure 1)
			<input type="checkbox"/> Licensing-related Papers
			<input type="checkbox"/> Petition
			<input type="checkbox"/> Petition to Convert to a Provisional Application
			<input type="checkbox"/> Combined Declaration and New Power of Attorney (9 pages)
			<input type="checkbox"/> Terminal Disclaimer
			<input type="checkbox"/> Request for Refund
			<input type="checkbox"/> Diskette; Number of diskettes:
			<input type="checkbox"/> After Allowance Communication to Group
			<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
			<input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i>
			<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter			

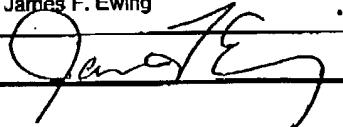
Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	James F. Ewing, Reg. No. 52,875, Epstein Becker and Green, P.C.
Signature	
Date	November 11, 2004

CERTIFICATE OF FACSIMILE

I hereby certify that this Petition for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c) and all related documents are being facsimile transmitted to the Pre-Grant Publication Division, United States Patent and Trademark Office, Facsimile No. (703) 305-8568 on November 11, 2004

Typed or printed name	James F. Ewing	Date	November 11, 2004
Signature			

PTO/SB/17 (10-01)
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 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 130)

Complete if Known	
Application Number	10/688,887
Filing Date	September 20, 2003
First Named Inventor	Clouatre, et al.
Examiner Name	Not Assigned
Group / Art Unit	1614
Attorney Docket No.	50957-018 (RHI-013 US)

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number	60-3301
Deposit Account Name	Epstein Becker and Green, P.C.
<input type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	

2. Payment Enclosed:

<input type="checkbox"/> Check	<input type="checkbox"/> Credit card	<input type="checkbox"/> Money Order	<input type="checkbox"/> Other
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FEES CALCULATION

1. **BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101	740	201	Utility filing fee
106	330	206	Design filing fee
107	510	207	Plant filing fee
108	740	208	Reissue filing fee
114	160	214	Provisional filing fee
SUBTOTAL (1)			(\$ 0)

2. **EXTRA CLAIM FEES**

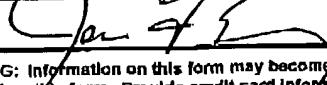
Total Claims	-20 **	= 0	X	= 0	Fee Paid
Independent Claims	-3 **	= 0	X	= 0	
Multiple Dependent			X	= 0	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
103	16	203	9
102	84	202	42
104	280	204	140
109	84	209	42
110	16	210	9
SUBTOTAL (2)			(\$ 0)

*or number previously paid, if greater. For Reissues, see above

3. ADDITIONAL FEES	Fee Description	Fee Paid			
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)				
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
138	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	820*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	260	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to Institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	130
123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
126	180	128	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	800	169	800	Request for expedited examination of a design application	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)			(\$ 130)		

SUBMITTED BY

Name (Print/Type)	James F. Ewing	Registration No. Attorney/Agent	52,875	Telephone	817-342-4000	
Signature					Date	November 11, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.